

Notice of Allowability**Application No.**

10/574,639

Examiner

OLUWATOSIN OGUNBIYI

Applicant(s)

THIRY ET AL.

Art Unit

1645

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/5/2010.
2. ☒ The allowed claim(s) is/are 1,4,6,7,9-16,18-23,49,61-65,67,68,70,71,73-77,79,81 and 82.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/31/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20100122.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Oluwatosi Ogunbiyi/
Examiner, Art Unit 1645

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laurence Manber on 1/24/10.

Please Amend the Claims as follows:

7. (Currently Amended) An isolated or recombinant nucleic acid encoding a
p45 recombinant polypeptide, wherein the isolated or recombinant nucleic acid
comprising comprises the nucleotide sequence of SEQ ID NO: 1 or SEQ ID NO: 3.

10. (Currently Amended) An isolated host cell that comprises the expression vector of claim 9.

62. (Currently Amended) An isolated host cell that comprises the expression vector of claim 61.

63. (Currently Amended) The isolated host cell of claim 62 wherein the host cell is an *E. coli* cell.

64. (Currently Amended) The immunogenic composition of claim 18 further comprising an antigen obtained from an Infectious Pancreatic Necrosis (IPN) virus,

wherein the antigen obtained from the IPN virus is selected from the group consisting of a VP2 var protein, [[aVP3]] a VP3 protein, and a combination thereof.

65. (Currently Amended) The immunogenic composition of claim 19 further comprising an antigen obtained from an Infectious Pancreatic Necrosis (IPN) virus, wherein the antigen obtained from the IPN virus is selected from the group consisting of a VP2 var protein, [[aVP3]] a VP3 protein, and a combination thereof.

Information Disclosure Statement

The information disclosure statement filed 3/31/06 is corrected to include missing NPL dates and the corrected IDS has been considered.

Status of Claims

Claims 1, 4, 6-7, 9-16, 18-23, 49, 61-65, 67-68, 70-71, 73-77, 79 and 81-82 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWATOSIN OGUNBIYI whose telephone number is 571-272-9939. The examiner can normally be reached on M-F 8:30 am- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Oluwatosin Ogunbiyi/
Examiner, Art Unit 1645

/Robert B Mondesi/
Supervisory Patent Examiner, Art Unit 1645